

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL ORIGINAL PETITION No.9778 of 2017

KALIMUTHU

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE

GUDUVANCHERI POLICE STATION

CHENGALPET KANCHEEPURAM DISTRICT.

CR.NO.476/2017.

For Petitioner : M/S.C.MOHAN RAJ Advocate

For Respondent : MR. M.MOHAMED RIYAZ, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 341, 294 (b), 392, 397 and 506 (ii) IPC, in Crime No.476 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence.

3. The learned Government Advocate (Crl. Side) would submit that the injured has been discharged from the hospital and as there is no previous case pending as against the petitioner, he has no objection to grant anticipatory bail to the petitioner.

4. The case of the prosecution is that the petitioner, along with other accused persons, were alleged to have threatened the defacto complainant and robbed Rs.850/- from him, on 02.05.2017.

5. The learned counsel for the petitioner / accused would submit that the co-accused has been arrested and released on bail.

5.1. Since the injured has been discharged from the hospital and the co-accused has been released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Chengalpet, Kanchipuram District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the respondent Police or the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on further condition that:

(i) the petitioner shall report before the respondent Police, on every Monday and Wednesday, at 10.30 am, for a period of four weeks and thereafter, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is authorized to take appropriate action against the petitioner, in accordance with law, as if the conditions have been imposed and the petitioner was released on bail by the learned Magistrate / Trial Court, as laid down by the Hon'ble Supreme Court in the case of **P.K.Shaji v. State of Kerala (2005) AIR SCW 5560.**

-sd/-

24/05/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO. II, CHENGALPET, KANCHIPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
GUDUVANCHERI POLICE STATION CHENGALPET KANCHEEPURAM DISTRICT.

+1CC to M/S.C.MOHAN RAJ Advocate on payment of necessary charges SR.NO. 9480

CRL OP.9778/2017

Date :24/05/2017

EGR 29/05/2017